

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
)
JOHNNY L. WOMACK)
)
)
vs.) No. 06-0670
)
)
PEOPLES GAS, LIGHT & COKE)
COMPANY,)
)
Complaint as to billing/charges)
in Chicago, Illinois.)
Chicago, Illinois
January 31, 2007

Met pursuant to notice at 11:00 a.m.

BEFORE :

CLAUDIA SAINOT, Administrative Law Judge.
APPEARANCES:

MR. JOHNNY L. WOMACK
8100 South Ellis
Chicago, Illinois
Appearing for the Complainant;

MR. MARK L. GOLDSTEIN
108 Wilmot Road, Suite 330
Deerfield, Illinois
Appearing for the Respondent.

ALSO PRESENT:

Mr. John Riordan

SULLIVAN REPORTING COMPANY, by
Steven T. Stefanik, CSR

1		<u>I</u>	<u>N</u>	<u>D</u>	<u>E</u>	<u>X</u>			
2	<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>Examiner</u>	Re-	Re-	By

3	JOHNNY WOMACK		28						
4	JOHN RIORDAN	36	48						47

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8 E X H I B I T S

9	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
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10	Respondent's		
	Nos. 1, 2 and 3	11	

11

	Complainant's		
12	No. A	23	24
	No. B	26	27

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OPENING STATEMENTS

15	Mr. Johnny Womack		12
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1 (Whereupon, Respondent
2 Exhibit Nos. 1, 2 and 3 were
3 marked for identification
4 as of this date.)

5 JUDGE SAINSOT: By the authority vested in me by
6 the Illinois Commerce Commission, I now call Docket
7 No. 06-0670. It is the complaint of Johnny L.
8 Womack versus the Peoples Gas, Light and Coke
9 Company, and it is a billing dispute.

10 Will the parties identify themselves for
11 the record.

12 Mr. Womack?

13 MR. JOHNNY WOMACK: My name is Johnny L. Womack.

14 JUDGE SAINSOT: And your address and telephone
15 number for the record, please.

16 MR. JOHNNY WOMACK: My address is 8100 South
17 Ellis. My telephone number is (773) 733-6625.

18 MR. GOLDSTEIN: On behalf of the Peoples Gas,
19 Light and Coke Company, Mark L. Goldstein, 108
20 Wilmot Road, Suite 330, Deerfield, Illinois 60015.
21 My telephone number is (847) 580-5480.

22 JUDGE SAINSOT: Okay. Do the parties wish to

1 have opening statements?

2 And, Mr. Womack, some parties do; some
3 parties don't. It's all up to you. If you don't
4 want to give an opening statement, that's fine; or
5 if you do, that's fine.

6 Yes or no?

7 MR. JOHNNY WOMACK: I don't understand "opening
8 statement."

9 JUDGE SAINSOT: That's where you talk what
10 your -- the evidence you're going to bring. It's
11 not evidence.

12 MR. JOHNNY WOMACK: Okay.

13 OPENING STATEMENTS

14 BY

15 MR. JOHNNY WOMACK:

16 My evidence is that I was overcharged by
17 Peoples Gas. Now what Peoples Gas and I wanted --
18 I was asking them -- I had asked, though, several
19 times to correct that, which I had called them.

20 JUDGE SAINSOT: Now, this isn't your testimony.
21 If you want to testify, you need to be sworn in.

22 MR. JOHNNY WOMACK: Okay.

1 JUDGE SAINSOT: But this is just a preview of
2 what your evidence is, a general, quick preview.

3 MR. JOHNNY WOMACK: Yes.

4 JUDGE SAINSOT: Okay. And --

5 MR. JOHNNY WOMACK: Which I can see here on some
6 of the bills that -- I can really see that I was
7 overcharged here in December of 2004, charged me
8 \$1,000 for December's gas. That's really
9 exceeding. That's really for -- it's really --
10 there's a basement -- it's a -- it's a house that
11 was made out of -- into a building. It was
12 separate.

13 I went through there and I had a chance
14 to go through there and separate it and I went
15 through it. It's a basement and an attic and it's
16 a main floor. And the cost -- to charge that kind
17 of money for rent -- I mean, for gas, I can't see a
18 building in Chicago making it from that kind of
19 money -- charging that kind of money, \$1,000 for
20 one month.

21 Look here, \$600 in -- \$613 for the 11th
22 month. That's entirely too much. I was wondering

1 who regulated them, if they have anybody to
2 regulate them.

3 MR. GOLDSTEIN: Is this his testimony, Judge,
4 or --

5 MR. JOHNNY WOMACK: No, this just opening
6 statement.

7 JUDGE SAINSOT: Anything further, Mr. Womack?
8 Do you have anything to add to your
9 opening statement?

10 MR. JOHNNY WOMACK: That's it.

11 JUDGE SAINSOT: Okay. Okay. Mr. Womack --

12 MR. GOLDSTEIN: Judge, if I may, I've got one
13 small housekeeping matter.

14 JUDGE SAINSOT: Sure. Sure.

15 MR. GOLDSTEIN: As you are aware, Peoples Gas
16 filed the answer to the complaint. And I noted in
17 Paragraph 1 of the answer that I have the wrong
18 address. It should not be 8100 South Peoria. It
19 should be 8100 South Ellis.

20 JUDGE SAINSOT: Okay.

21 MR. GOLDSTEIN: And I would ask that you amend
22 that on its face.

1 JUDGE SAINSOT: Okay. So you're seeking
2 leave --

3 MR. GOLDSTEIN: Oh, and I'm sorry. And 1995,
4 May 19th, 1995 should be May 19th, 2005. Sorry
5 about that, Judge, and ask that both amendments be
6 allowed.

7 JUDGE SAINSOT: Any objection, Mr. Womack?

8 MR. JOHNNY WOMACK: No.

9 JUDGE SAINSOT: Okay.

10 MR. GOLDSTEIN: Thank you, Judge.

11 JUDGE SAINSOT: Your motion, therefore, is
12 granted, and I have a copy of your answer. It's --
13 I just made the changes. So I will just file it at
14 the end of the day.

15 MR. GOLDSTEIN: Thank you, Judge.

16 JUDGE SAINSOT: Okay. Mr. Womack, you can
17 proceed.

18 You can call a witness. You can testify
19 yourself. If you have exhibits, normally, the
20 exhibits are verified -- verified isn't the right
21 word -- presented by a witness.

22 So just tell me how you want to proceed.

1 Do you wish to testify or --

2 MR. JOHNNY WOMACK: Well, I want, you know, it's
3 a lot I don't understand because I haven't been
4 into -- I haven't worked with the law in a long
5 time and a lot I don't understand, but I don't
6 want -- when I -- the reason I came here because I
7 thought that this was a place that would be -- that
8 would help me in the place like -- give me
9 something that would help me in this case because
10 I'm not familiar with the law, how to proceed and
11 stuff like that.

12 JUDGE SAINSOT: Well, you can get sworn in. I
13 can swear you in and then you can tell me your side
14 of the story and any -- present any evidence that
15 you have.

16 I take it Peoples isn't disputing the
17 checks.

18 MR. JOHN RIORDAN: I haven't had a chance to go
19 through them and compare it to the spreadsheet that
20 we presented to him.

21 JUDGE SAINSOT: So --

22 MR. JOHN RIORDAN: I can do that quickly, if

1 you'd like.

2 JUDGE SAINSOT: Well, I'm just getting a feel
3 for -- I take it that's when you want to have the
4 break?

5 MR. GOLDSTEIN: That's correct, Judge.

6 JUDGE SAINSOT: Yeah. All right.

7 Well, Mr. Womack, would you like to
8 testify or do you have a witness, or how would you
9 like to proceed?

10 MR. JOHNNY WOMACK: I don't know -- witness for
11 what? I don't -- I still don't understand.

12 JUDGE SAINSOT: Well, witnesses testify as to
13 what they think happened.

14 MR. JOHNNY WOMACK: Oh, okay. I think I get
15 what you mean. Okay.

16 JUDGE SAINSOT: Or excuse me. What happened.
17 Not what they think happened. Let me make that
18 clear.

19 MR. JOHNNY WOMACK: Okay. Okay.

20 JUDGE SAINSOT: Would you --

21 MR. JOHNNY WOMACK: My brother would be only
22 witness and he's not in town here. He's in

1 Milwaukee.

2 JUDGE SAINSOT: Well, Mr. Womack, this is trial.

3 MR. JOHNNY WOMACK: Okay. I understand that.

4 JUDGE SAINSOT: So if he's not here, you can't

5 call him.

6 We set this trial date months ago and we

7 set it as a trial date. So tell me what evidence

8 you have.

9 MR. JOHNNY WOMACK: Because my position -- I am

10 a pastor. And because of my position, there are

11 certain people maybe in Peoples Gas that they

12 doesn't like my ministry and stuff like that and

13 they treated me unfairly.

14 I asked for --

15 JUDGE SAINSOT: Mr. Womack, if you're going to

16 start talking about things like that, you need to

17 be sworn in.

18 MR. JOHNNY WOMACK: Okay.

19 (Witness sworn.)

20 JUDGE SAINSOT: Okay.

21 Proceed, Mr. Womack.

22 MR. JOHNNY WOMACK: Okay.

1 Because I'm a pastor, I feel that I was
2 mistreated by Peoples Energy when I asked Peoples
3 Energy to -- they said that I owed them money, and
4 I took a \$900 check down there to them and paid off
5 a bill. And I asked them to -- the bill was about
6 \$1700 I was behind.

7 I took it down there. I asked them to
8 give me arrangement. Peoples Gas never did give me
9 arrangement. I went down there several times and,
10 you know, they wouldn't even send me -- I didn't
11 get statements or anything like that on my monthly
12 gas. I had to run into their office every month.

13 And my other thing is that Peoples
14 Energy overcharged me, and they supposed to re-turn
15 on -- re-turn on my gas, which you -- the last time
16 I was here, you said you was at that meeting. They
17 supposed to re-turn on my gas, and what else? And
18 clear up the overcharge that they had overcharged
19 people.

20 They said at the -- at the hearings -- I
21 mean, you know, you said you was there because --
22 wait just a minute.

1 I don't know if it was the district
2 attorney or whatever attorney it was that come back
3 and say Peoples Gas had overcharged people. They
4 had to clear up that bill, and they had to pay for
5 the re-turn on of their gas, you know, like the
6 digging up and stuff, you know, and re-turn on the
7 gas. They had to pay that.

8 You go into Peoples Energy. What he
9 said, maybe they was angry, but if you go in there
10 every month and ask -- asking them for arrangement
11 and stuff like that, it's not only me, but it's
12 other people that they have treated unfairly.

13 I have a lot of evidence which I could
14 really testify to, but I can't prove it. Majority
15 of this evidence I have is that Peoples Energy
16 deals with demons to know what you're doing or know
17 what you got to bring against them, because just
18 from my house, when I went back home and found a
19 bill that I had, I'm -- I am a spiritual man.

20 And when I heard they saw me find the
21 bill, it wasn't in my drawer. A lot of my checks
22 came are (sic) missing. My monthly statements, I

1 had them all there and I had to go order them.

2 They were -- you could hear those evil
3 spirits when they run down there and come down here
4 and said tell Peoples Energy that he got so-so
5 much, so on.

6 They don't call a neighbor. They come
7 downtown. I'll show you here. Because Peoples
8 Energy was not treating anyone fair. And it's
9 something that I believe, this is what I believe:
10 They deal with demons and they help Peoples Gas
11 turn off and they run the bills up to take homes.

12 JUDGE SAINSOT: Perhaps now would be a good time
13 to take a five-minute break.

14 He can look for -- look for whatever
15 he's looking for and Mr. Riordan can go over the
16 checks.

17 MR. GOLDSTEIN: That would be a good idea.

18 Thank you, Judge.

19 JUDGE SAINSOT: Okay. Thank you.

20 (Recess taken.)

21 MR. JOHNNY WOMACK: I want to show you.

22 I don't know -- I don't know how to

1 enter an exhibit, but I want to show you how I paid
2 and I had went in that office and asked for
3 arrangement. I went into the office and I paid
4 \$700, which is an -- there's the check. I'll go
5 back. I know a little about the law. Not much,
6 though.

7 See that \$700 check I paid towards that
8 to get an arrangement and they refused to give me
9 arrangement. I went in there several other times,
10 which you can see through the transcript where I
11 paid money and stuff like that, and they would not
12 give me arrangement or treat me fairly.

13 JUDGE SAINSOT: Okay. I have -- we have to show
14 this to Mr. Goldstein and then --

15 MR. JOHNNY WOMACK: Okay. Okay.

16 JUDGE SAINSOT: Probably easier if you show it
17 to Mr. Goldstein.

18 Are you seeking to enter those into
19 evidence, Mr. Womack?

20 MR. JOHNNY WOMACK: Yes, I am.

21 JUDGE SAINSOT: Do you have any objection?

22 MR. GOLDSTEIN: There's no objection to that,

1 Judge .

2 JUDGE SAINSOT: Okay.

3 Mr. Womack, let me just have that and
4 I'll stamp it for you. And we use the fancy office
5 equipment. We'll call this your Exhibit A. How's
6 that?

7 MR. JOHNNY WOMACK: Okay.

8 (Whereupon, Complainant
9 Exhibit No. A was
10 marked for identification
11 as of this date.)

12 JUDGE SAINSOT: Okay. So you're seeking to have
13 your Exhibit A entered into evidence; is that
14 correct, Mr. Womack?

15 MR. JOHNNY WOMACK: Yes, I am.

16 JUDGE SAINSOT: And there's no objection?

17 MR. GOLDSTEIN: There is no objection, Judge.

18 JUDGE SAINSOT: Okay. Your motion is granted,
19 Mr. Womack.

20 And Exhibit A, which is a check dated
21 March 28, 2003 to Peoples Gas and a Peoples Energy
22 bill dated March 26, 2003 is entered into evidence.

1 (Whereupon, Complainant
2 Exhibit No. A was
3 admitted into evidence as
4 of this date.)

5 JUDGE SAINSOT: Do you have anything further,
6 Mr. Womack, that you would like to testify to or
7 enter into evidence?

8 MR. JOHNNY WOMACK: There was something -- I
9 don't know why I didn't write it down -- something
10 else on my mind that I had to tell you. I was
11 interrupted abruptly and I've lost my thought. And
12 I was trying to find that check there and I lost my
13 thought on it.

14 But if anything come up during their
15 testimony, I'll write it down and I'll -- what is
16 it called? Rebuttal or something like that?

17 JUDGE SAINSOT: You can -- you will have an
18 opportunity to rebut, but rebuttal only addresses
19 the evidence that Mr. Goldstein puts on.

20 MR. JOHNNY WOMACK: Oh, okay.

21 JUDGE SAINSOT: In rebuttal, you cannot put new
22 evidence on.

1 So if you've got some evidence or some
2 testimony.

3 MR. JOHNNY WOMACK: Oh, okay. I know what it
4 was.

5 I am a spiritual man, and I saw in the
6 spirits where -- I was shown in the spirit that
7 where Peoples Energy had run up a lot of people's
8 bills. And I don't know how they run them up, but
9 they -- the way they collect their money is they
10 kept bills in some kind of vault or something. And
11 they always destroyed, and Peoples Energy lost a
12 lot of money because they had did something. I
13 can't recall that, as they showed me in the spirit.

14 JUDGE SAINSOT: Anything further, Mr. Womack?

15 MR. JOHNNY WOMACK: No.

16 JUDGE SAINSOT: What about those checks?

17 MR. JOHNNY WOMACK: Oh, he has those right here.

18 Oh, yes. Yes.

19 JUDGE SAINSOT: Okay. I'm going to call that
20 Exhibit B, if --

21 MR. GOLDSTEIN: That's fine, Judge.

22 JUDGE SAINSOT: Is there any objection to that?

1 MR. GOLDSTEIN: There's no objection to that,
2 Judge .

3 JUDGE SAINSOT: Okay .

4 (Whereupon, Complainant
5 Exhibit No. B was
6 marked for identification
7 as of this date.)

8 MR. GOLDSTEIN: Judge, I have just a few
9 questions for Mr. --

10 JUDGE SAINSOT: Mr. Womack .

11 MR. GOLDSTEIN: -- Mr. Womack .

12 JUDGE SAINSOT: Okay .

13 Just for record, though, just so this is
14 clear, Mr. Womack, you are moving to admit your
15 Exhibit B, which is a series of checks dating for
16 the past what, from 2004 -- oh, excuse me. 2002,
17 2003 and 2004 to Peoples Gas, Light and Coke
18 Company or Peoples Energy?

19 MR. JOHNNY WOMACK: Yes .

20 JUDGE SAINSOT: Okay. And you're not objecting;
21 is that correct?

22 MR. GOLDSTEIN: There is no objection, Judge .

1 JUDGE SAINSOT: Okay. That being the case, your
2 motion is granted and your Exhibit B is entered
3 into evidence.

4 (Whereupon, Complainant
5 Exhibit No. B was
6 admitted into evidence as
7 of this date.)

8 JUDGE SAINSOT: Do you have anything else,
9 Mr. Womack?

10 MR. JOHNNY WOMACK: No.

11 JUDGE SAINSOT: So you're resting; is that
12 correct? That means that -- well, no.

13 MR. GOLDSTEIN: He can have rebuttal, Judge.

14 JUDGE SAINSOT: Right. Okay.

15 If you rest, that means that's the end
16 of your evidence except for anything to rebut what
17 or refute what Mr. Goldstein presents.

18 MR. JOHNNY WOMACK: Okay.

19 JUDGE SAINSOT: So you're resting; is that
20 correct?

21 MR. JOHNNY WOMACK: Yes.

22 JUDGE SAINSOT: Okay.

1 Mr. Goldstein, I understand you have
2 some questions.

3 MR. GOLDSTEIN: Yes, I do, Judge.

4 Thank you.

5 CROSS-EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q. Mr. Womack, do you live at 8100 South
9 Ellis?

10 A. Yes, I do.

11 Q. And do you know how old the house is at
12 8100 South Ellis?

13 A. No, I can't tell you. It's over 30 years
14 old. I know that.

15 I don't know how old it is. No, I
16 don't.

17 Q. So it's over 30 years old?

18 A. Yes.

19 Q. Is it a frame house or is it brick or --

20 A. It's a brick house.

21 Q. -- how would you describe it?

22 A. It's a house. Instead of a -- it was a --

1 it was a house turned into a building, something
2 like a building.

3 Q. Okay.

4 A. Because what he did, you know, like where
5 you go down in the basement, they took and fixed
6 that in and they just made it where you could go up
7 inside -- go into the main floor in the attic.

8 Q. Okay. So that there's a basement to the
9 house at 8100 South Ellis. Is that a rentable
10 space where people could live?

11 A. Yes.

12 Q. Okay. And there's also a first floor, a
13 main floor to the house, correct?

14 A. Yes.

15 Q. And then is there a second floor?

16 A. It's an attic.

17 Q. There's an attic on the second floor?

18 How many bedrooms are in the house?

19 A. Oh, talking about in the whole building?

20 Q. Yes.

21 A. I mean, the whole complex, rather?

22 Q. Yes.

1 **A.** Okay. About four, I think. Main floor has
2 two, the basement has one and the attic has one.

3 **Q.** One. Are you renting out any of that
4 space?

5 **A.** Not now.

6 **Q.** Did you rent out any of the space between
7 2002 and 2005 when you were disconnected from gas
8 service?

9 **A.** Did I rent out any?

10 **Q.** Yes.

11 **A.** No. No.

12 **Q.** Did anybody else live in the 8100 South
13 Ellis with you between 2002 and 2005?

14 **A.** Yeah -- wait just a minute. Ask me
15 another -- what other question did you ask?

16 **Q.** I asked you first whether you had any
17 tenants at 8100 South Ellis.

18 **A.** 2002? Yes, I did.

19 **Q.** Okay.

20 **A.** 2002 till up to what time, I don't
21 remember, but I know I had them in there 2002.

22 **Q.** All right. And what space did that person

1 occupy or persons occupy?

2 **A.** They occupied the basement and the attic.

3 **Q.** Okay. And do you know how many square feet

4 your house has at 8100 South Ellis?

5 **A.** I can tell you in land, but not in the --

6 the house, I can't. It's a 25 -- no. What is it,

7 55, 75. That's what the whole land is, but not the

8 building. I don't know what the building is.

9 **Q.** Okay. Do you know how many rooms there are

10 in total in the house?

11 **A.** It's three rooms downstairs, five rooms on

12 the --

13 **Q.** Main floor?

14 **A.** -- main floor. Oh, on the first floor, as

15 you call it.

16 **Q.** Yes.

17 **A.** Then it's -- kitchen. They could say a

18 four and a half rooms upstairs. That would be five

19 and a half rooms on the main floor and three and a

20 half rooms on the -- in the basement.

21 **Q.** So there are about 12 or 13 rooms to the --

22 **A.** Whatever --

1 **Q.** -- house?

2 **A.** I haven't counted up, but whatever I just

3 described to you, that's what it is.

4 **Q.** Okay. Now, do you know what the size -- do

5 you have -- how many furnaces supply heat to --

6 **A.** One.

7 **Q.** -- the building?

8 **A.** One.

9 **Q.** Do you know what the size of that furnace

10 is?

11 **A.** Not -- no, I don't know. And that furnace

12 has been removed from the building because it had

13 been destroyed.

14 **Q.** Yeah, I know. I'm talking about between

15 2002 and 2005 when you had gas service.

16 **A.** Do I know the size of the furnace?

17 **Q.** Yes.

18 **A.** No, I don't know the size.

19 **Q.** Okay. Do you know -- you had a hot water

20 heater in the building?

21 **A.** Yes, I did.

22 **Q.** And do you know what the size of that hot

1 water heater was?

2 A. I did, but --

3 Q. How many gallons?

4 A. -- I don't recall it now.

5 Q. Okay. Now, you are aware, are you not,

6 Mr. Womack, that Peoples Gas for the 2002 to 2005

7 time period that's in question in this proceeding

8 was charging you for a heating and a nonheating

9 account at the building; you are aware of that, are

10 you not?

11 A. Oh, yes. Yes.

12 Q. Okay.

13 A. I was charged for a cooking, a cooking.

14 Q. All right. Could I see --

15 A. A building heat -- building heat.

16 Q. Could I --

17 A. Oh, okay. This is one more. I have

18 some -- okay. She says --

19 Q. Mr. Womack, let me show you what's been

20 marked as Complainant Exhibit A. This is that

21 statement from -- with a bill date of March 26,

22 2003, and your payment of that statement with a

1 check dated March 28, 2003 in the amount of \$700.

2 A. Yes.

3 Q. You see that?

4 A. Yes.

5 Q. First, let's look at the statement.

6 Can you show me on the statement

7 anything that states that there's any kind of

8 payment or budget arrangement that you are under

9 with regard to that statement?

10 A. I don't even understand the -- if you have

11 to show it to me because -- it's just like a map

12 that I never read or understand because I don't

13 understand this.

14 Q. Did you see anything on that bill that says

15 "budget" or "bill" arrangement statement?

16 A. Oh, okay. I can read. Okay. Let me see.

17 Now, ask your question again.

18 Q. My question is, is there anything that's

19 noted on the statement that indicates that you were

20 under some type of budget arrangement?

21 A. I asked for it.

22 Q. I didn't -- do you see anything on the

1 statement that --

2 A. No.

3 Q. -- says that?

4 A. No. It might be on there, but I don't see

5 it --

6 Q. Okay.

7 A. -- unless you show it to me.

8 What I'm trying to say, I asked for it.

9 MR. GOLDSTEIN: I have nothing else, Judge.

10 JUDGE SAINSOT: Okay. You're presenting your

11 case in chief at this point?

12 MR. GOLDSTEIN: Yes, I am, Judge, if I may.

13 I'd like to call John Riordan.

14 JUDGE SAINSOT: Okay.

15 (Witness sworn.)

16 JUDGE SAINSOT: Okay. Thank you.

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1 JOHN RIORDAN,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY

6 MR. GOLDSTEIN:

7 **Q.** Mr. Riordan, would you state your full name
8 for the record and tell us by whom you're employed
9 and in what capacity.

10 **A.** John M. Riordan, R-i-o-r-d-a-n. I'm
11 employed with Peoples Energy, Peoples Gas Company.
12 I'm a supervisor in billing.

13 **Q.** And how long have you held that position?

14 **A.** Position of supervisor for five years.

15 **Q.** And as supervisor of billing, you've become
16 familiar with Mr. Womack's account at 8100 South
17 Ellis, correct?

18 **A.** Yes, I have.

19 **Q.** Can you tell us, in general, what your
20 duties are as the supervisor of billing?

21 **A.** My duties as supervisor would be to oversee
22 the work that is done by my coworkers who handle

1 the informal complaints that are filed by customers
2 against Peoples Energy regarding billing inquiries,
3 disputes, and so forth.

4 Also, my duties would also include to
5 review any requests from a customer who requests a
6 formal hearing on a previous informal that was
7 completed to oversee what the resolution was on the
8 informal to make sure everything was done properly.

9 Q. And as part of your duties, have you
10 reviewed the gas account of Johnny L. Womack at
11 8100 South Ellis, Chicago?

12 A. Yes, I have.

13 Q. And let me show you what we have marked as
14 Respondent's Exhibit 1.

15 Now, was this exhibit prepared by you or
16 under your general direction and supervision?

17 A. Yes, it was.

18 Q. And was this exhibit extracted from the
19 Company's books and records?

20 A. Yes, it is.

21 Q. And the books and records, could you
22 describe generally what those books and records

1 were from which the information contained on
2 Respondent's Exhibit 1 is taken?

3 **A.** The information we have on Respondent's
4 Exhibit 1 is a combination of our billing history
5 for the account, our meter reading history for the
6 account with the meter -- the reading dates.

7 Also, a listing of payments made on the
8 account with the date that they were paid, late
9 charges that were billed to the account as well as
10 a running balance from November of 2001 up through
11 the time the service was turned off in May -- I'm
12 sorry, in -- yes, May of 2005.

13 **Q.** And have you compared what's been marked as
14 Respondent's Exhibit 1 with the various books and
15 records of the Company to determine whether what is
16 depicted on Respondent's Exhibit 1 is a true and
17 accurate depiction of the Company's books and
18 records?

19 **A.** Yes, it is.

20 **Q.** And are those books and records kept by --
21 kept by Peoples Gas in the ordinary course of its
22 business?

1 **A.** Yes, it is.

2 **Q.** Could you go through what has been marked
3 as Respondent's Exhibit No. 1 and explain to the
4 Judge and Mr. Womack what is contained on the
5 exhibit?

6 **A.** Sure.

7 On the exhibit, if we start from the top
8 part, what you're going to see is the -- what we
9 call the from and to dates which represent what's
10 the time period the service was billed for.

11 For example, the first line shows the
12 from date being November 28th of '01 through
13 December 27th of '01. It's also showing what the
14 meter reading was that the customer was billed to
15 and whether or not the reading was an estimate or
16 an actual reading.

17 Also shown, the bill amount for that
18 billing period. And over further to the right, you
19 have a column that's shown as the account actual
20 balance. That's just a running tally of what the
21 account balance was after each billing as well as
22 after each payment that was made being credited to

1 Mr. Womack's account; also late charges that were
2 being added on to the unpaid balance each month.

3 That statement basically goes from, as I
4 said, November of '01 when the service -- when this
5 account became active all the way through the final
6 bill date of May 19th of '05 when the service was
7 terminated.

8 Q. Okay. And the first page is marked as
9 Respondent's Exhibit 1-A and the second page is
10 marked as Respondent's Exhibit 1-B; is that
11 correct?

12 A. Yes, it is.

13 Q. Is there anything else you want to advise
14 us with respect to this particular exhibit?

15 A. No, there's not.

16 Q. All right. Let me show you what has been
17 marked as Respondent's Exhibit 2. It consists of
18 three pages marked 2-A, 2-B and 2-C. Could you
19 describe what is shown on this particular exhibit,
20 Mr. Riordan?

21 A. Sure.

22 This is a notice of disconnection that

1 was sent to Mr. Womack. This one was issued with a
2 date of May 19th of 2005. It lists the gentleman's
3 account number, address, and what the balance is of
4 the account at that time and letting him know that
5 the service was scheduled to be shut off if payment
6 was not made on that bill.

7 Also, the third page of that also has
8 information on there mentioning that if you wanted
9 to make payment arrangements on the total balance
10 in order to avoid loss of service, that he was
11 available -- the arrangements were also available
12 to be made at that time.

13 Q. And what was the balance that was shown on
14 Mr. Womack's account as of that date?

15 A. As of May 19th of 2005, when this was
16 issued, it was \$10,115.69.

17 Q. And do you have any records indicating that
18 Mr. Womack made any payments either to pay the bill
19 in full or arrangements to make the payments toward
20 the balance of that bill?

21 A. That would reflect on the Exhibit No. 1,
22 the account transcript, as I called it, and it does

1 not show any payments being made or any budget --
2 I'm sorry, payment arrangements being established
3 on this account.

4 Q. All right. Let me show you what's been
5 marked as Respondent's Exhibit 3, and it is a
6 one-page exhibit.

7 Could you -- oh, I'm sorry. Let's go
8 back to Exhibit 2.

9 The notice of disconnection as indicated
10 on Respondent's Exhibit 2, that is a document that
11 is kept in the Company's ordinary course of
12 business, is it not?

13 A. That's correct.

14 Q. And it is a record -- and it's part of the
15 books and records of the Company, is it not?

16 A. Yes, it is.

17 Q. Let me show you what's Respondent's
18 Exhibit 3. Could you explain what that exhibit is?

19 A. Exhibit 3 is what we would call a panel
20 showing what the account balance is on the account.

21 Currently, right now, the account is
22 what we call a charge-off status, and it breaks

1 down what the total balance is he owes, which is
2 10,797.88. It's broken down into late charges of
3 \$2,137.61, and UTG, as we call utility gas,
4 \$8,660.27.

5 Q. And this account number which ends in 488,
6 is that the heating or nonheating account for 8100
7 South Ellis?

8 A. This is the heating account for 8100 South
9 Ellis.

10 Q. And you've had an opportunity to review the
11 various bills that Mr. -- I'm sorry, the payments
12 that Mr. Womack has provided as Complainant's
13 Exhibit B, have you not?

14 A. Yes, I have.

15 Q. And are all of the payments that he has
16 provided indicated on Respondent's Exhibit 1?

17 A. Yes, they are.

18 The canceled checks that Mr. Womack
19 provided, I'm able to verify that those canceled
20 checks have been applied to his account.

21 There are some checks that have
22 different amounts than what's on the transcript,

1 but I believe the difference in those payments
2 would have also been applied towards the nonheating
3 account that Mr. Womack had, which is what we would
4 call the second floor account. So his one check
5 was paid, paying two accounts with us.

6 Q. And in some instances, with respect to the
7 canceled checks that Mr. Womack has provided, do
8 some of those checks indicate that they were paid
9 towards the nonheating gas account at 8100 South
10 Ellis?

11 A. Yes, they do.

12 Q. And, again, what is the current balance
13 that is owed on Mr. Womack's heating account at
14 8100 South Ellis?

15 A. Current balance is \$10,797.88.

16 Q. Let me show you what's been marked as
17 Mr. Womack's Exhibit A or Complainant's Exhibit A.
18 And if you recall, I asked Mr. Womack questions
19 about the bill statement for the bill date of
20 March 26th, 2003. That is the bill statement and
21 the check.

22 Could you indicate for me whether

1 there's any indication on the bill statement as to
2 whether there's been some kind of arrangement made
3 by Mr. Womack to pay this particular bill?

4 **A.** There's nothing noted on this bill showing
5 that he had any type of a payment plan.

6 **Q.** Is there anything indicated that in March
7 of 2003 and subsequent to that date, that
8 Mr. Womack made any payment arrangement to pay off
9 his gas bill?

10 **A.** I don't remember looking at the canceled
11 checks. I don't know if he had any other bill
12 statements with him that might have indicated any
13 arrangements.

14 But if I look back at the account
15 history, I don't see that there were ever any
16 payment arrangements established on the account
17 which would reflect on the bills that were sent out
18 after that.

19 **Q.** Now, the \$700 check that is also attached
20 to Womack or Complainant's Exhibit A, is that
21 indicated on what we have indicated as Respondent's
22 Exhibit 1?

1 **A.** Yes. I show an entry on March 31 at 2003
2 that \$649.90 was applied to the building account,
3 which is the account number ending in 0488.

4 So looking at the dollar amount of \$700,
5 I would have to assume that the other \$51 -- the
6 \$50.10, I'm sorry, may have been applied to the
7 second floor account.

8 **Q.** Which was the nonheating account for 8100
9 South Ellis?

10 **A.** Yes, it is.

11 **Q.** Finally, Mr. Riordan, you have heard this
12 morning Mr. Womack describe what is contained at
13 the 8100 South Ellis, at least with respect to the
14 large gas appliances.

15 And based upon your experience with
16 Peoples Gas, do you have an opinion as to whether
17 Mr. Womack could have actually used that amount of
18 heating gas between November 28th, 2001, and the
19 date that service was disconnected in 2005 in
20 May of 2005?

21 **A.** Based on the size of the building and the
22 number rooms he described and indicating that the

1 bills that he was receiving were based on actual
2 readings, the readings we had on the meter,
3 especially during the heating season of 2003 and
4 2004, I would have to say this -- these readings
5 and billed amounts would be accurate based on the
6 number of rooms and size of the building that
7 Mr. Womack described.

8 MR. GOLDSTEIN: I have nothing else, Judge.

9 JUDGE SAINSOT: I have one question.

10 EXAMINATION

11 BY

12 JUDGE SAINSOT:

13 Q. Mr. Riordan, do you know the balance on the
14 nonheating account?

15 A. I believe right now, Judge, that bill is
16 paid up. That account's got a zero balance.

17 Q. Okay.

18 A. Actually, he made -- a payment was received
19 on the nonheating account back in June of 2006 of
20 \$182.99, which brought it up to zero.

21 JUDGE SAINSOT: Mr. Womack, do you have any
22 questions of Mr. Riordan?

1 MR. JOHNNY WOMACK: Yes, I do, but it's...

2 CROSS-EXAMINATION

3 BY

4 MR. JOHNNY WOMACK:

5 Q. Would you -- I just would like for you to
6 state your position with Peoples Gas.

7 A. I'm the supervisor in billing.

8 Q. What do you oversee?

9 A. I oversee the four workers that are under
10 me who handle the inquiries filed for the Illinois
11 Commerce Commission.

12 Q. When -- oh, okay then. Okay.

13 So you are not -- are you familiar
14 with -- well, before you all closed down all the
15 office, who oversee the office to make sure that,
16 you know, like if a customer complain or something
17 like that, they was heard or something like that,
18 did you have anything like that?

19 A. We had outlying offices where a customer
20 would go into and speak with one of the
21 representatives, discuss their bill, make any
22 payments towards their bill. And then in each

1 office, there were at least two supervisors who are
2 overseeing the coworkers at that position, at that
3 office.

4 Q. Okay. I want to ask you another question.

5 Are all of your calls that are made from
6 People Gas recorded?

7 A. That, I don't know for sure if they are or
8 not.

9 Q. If you went in and paid a \$700 on an
10 \$800 -- on \$1800 bill, you would expect for
11 somebody to ask for an arrangement, wouldn't you?

12 MR. GOLDSTEIN: Are you referring specifically
13 to your Exhibit A, Mr. Womack?

14 MR. JOHNNY WOMACK: I'm referring to the bill
15 now. I'm referring to the bill.

16 MR. GOLDSTEIN: All right.

17 JUDGE SAINSOT: Which, for the record, is
18 Exhibit A.

19 MR. JOHNNY WOMACK: Yes. Yes.

20 THE WITNESS: I would think that if this was
21 presented to the representative in the office
22 before you went to the cashier and made the

1 payment, there may have been some discussion of a
2 payment plan, yes.

3 BY MR. JOHNNY WOMACK:

4 Q. Well, if you didn't receive the payment
5 plan and you asked several times about it, then how
6 would you think it was treated?

7 A. Well, I don't show -- I mean --

8 Q. Look at some more checks there and see
9 whether -- I think about in 2003, there were \$700
10 bills that was paid at Peoples Gas and an
11 arrangement was asked for and there was not
12 anything given.

13 A. I'm sorry. What date again?

14 Q. Maybe 2000 -- I'm not quite sure of the
15 date, but it should have some -- I think I was
16 paying it every two months. I was asking -- I
17 asked for an arrangement and I didn't get an
18 arrangement pretty often at 95th Street.

19 A. I show payments you made, yes, at the
20 95th Street office. You made a payment in August
21 of 2003. You made a \$746 payment.

22 Q. Okay.

1 **A.** You made a \$400 payment in October of '03
2 also at 95th Street, and also a \$300 payment in
3 November of '03 at our 95th Street office.

4 **Q.** I don't know -- I can't recall the year,
5 but what I'm specifically looking for, the billing,
6 I had it all written down and everything. I took
7 it in there and showed them where I had paid up and
8 they wouldn't give me arrangement.

9 JUDGE SAINSOT: Is that a question, Mr. Womack?

10 MR. JOHNNY WOMACK: No, that's what I'm -- I
11 meant him.

12 BY MR. WOMACK:

13 **Q.** Who oversee that?

14 I know the supervisor's there. I went
15 in and spoke with a supervisor.

16 Do you recall the supervisor there was
17 at that station that you -- on 95th office?

18 **A.** At what time? During what --

19 **Q.** During -- I say from during 2002 to up to
20 2004, up to until you closed it?

21 **A.** No, I can't say I know for sure who the
22 supervisor was at that specific store.

1 MR. JOHNNY WOMACK: Okay. Are you addressed as
2 your Honor?

3 JUDGE SAINSOT: Sure.

4 MR. JOHNNY WOMACK: Your Honor, what I'm trying
5 to establish here is I'm trying to show that the
6 fairness of Peoples Energy and how they treated
7 peoples during that time.

8 They would not give me a arrangement or
9 anything. I went in there and paid a couple \$600.
10 You might see it.

11 What I specifically wanted to say, you
12 will see on there where I went in and I paid a
13 \$700, and I paid a lot of more -- I paid other
14 monies. I think it's about every two months or
15 something like that, and they wouldn't give me
16 arrangement. They kept on -- they making
17 arrangement until I stop paying.

18 I didn't know -- I didn't know how this
19 was going to come to an end, but I know I needed to
20 come to something for them to keep putting -- they
21 was putting -- putting notice on my bill, red
22 notice on there, said stating about -- something

1 about that you could take over the bill and
2 something like that.

3 Now, let me see what it was saying.
4 They could pay the gas and do something like that.
5 They was putting us on there and knocking on the
6 door. They were knocking on the door. And when
7 you get outside or something like that, you
8 couldn't see anybody.

9 JUDGE SAINSOT: Do you have any more questions
10 of Mr. Riordan?

11 MR. JOHNNY WOMACK: Let me see. I got off of
12 that.

13 Okay. This is something I would like to
14 show you. I would like to show you the credibility
15 of Peoples Gas. I went into Peoples Gas, which I
16 have the statement -- have the statement here where
17 I went in there and paid it. They told me, Okay
18 then. I talked to the gentlemen there -- yes, I
19 do have another question I would like to ask them
20 that just came to me.

21 I went in there and I said, Okay. My
22 heating gas is turned off, but could I turn on my

1 gas -- get my cooking gas so I can have something
2 to cook with. They said yes, which I would like to
3 enter in here.

4 JUDGE SAINSOT: What --

5 MR. JOHNNY WOMACK: I would like for you to see
6 it -- where I went in there. I want to show the
7 credibility and how they dealt with the people.

8 JUDGE SAINSOT: Well --

9 MR. JOHNNY WOMACK: I went in there and paid --

10 JUDGE SAINSOT: Well, first of all, do you have
11 a question of Mr. Riordan? Let's start with that.

12 MR. JOHNNY WOMACK: Okay.

13 JUDGE SAINSOT: And, second of all, we're in
14 Mr. Goldstein's case in chief. We're in
15 Peoples Gas case in chief.

16 So if you have evidence that rebuts
17 anything that Mr. Goldstein puts on, then you can
18 bring it on when Mr. Goldstein is through -- when
19 Mr. Goldstein rests -- that's the magic word --
20 when he's done presenting his evidence.

21 By the way, Mr. Goldstein, you have the
22 Complainant's Exhibit A and you haven't entered --

1 MR. GOLDSTEIN: I haven't asked for admission of
2 any of this.

3 JUDGE SAINSOT: Right. Just reminding you.

4 MR. GOLDSTEIN: I'm aware of that, Judge.

5 JUDGE SAINSOT: Okay. Any more questions of
6 Mr. Riordan?

7 MR. JOHNNY WOMACK: See what else. Okay.

8 I asked about the customer complaints.
9 Okay. Oh, yeah. Why would -- well, that must have
10 been Goldstein asked for that.

11 What I was wondering, why would he -- if
12 you had all those payments and showed those bills
13 paid, why would you ask for the statements from
14 2002?

15 MR. GOLDSTEIN: Judge, I'm going to object to
16 the question. I'm the one who asked for those --

17 MR. JOHNNY WOMACK: Yes, I would like to know
18 why.

19 MR. GOLDSTEIN: -- those statements and the
20 payments and --

21 MR. JOHNNY WOMACK: The reason I asked for why
22 is because the same statement only said from May of

1 2004 and you want statements from 2002 up to 2004.

2 Why would you ask for that?

3 JUDGE SAINSOT: Are you saying that Mr. Riordan
4 has no personal knowledge of why it was asked for
5 in discovery?

6 MR. GOLDSTEIN: Judge, that was requested at the
7 last status hearing and Mr. Riordan was not present
8 at that hearing.

9 JUDGE SAINSOT: Okay. So Mr. Riordan doesn't
10 know.

11 Do you have any other questions?

12 MR. JOHNNY WOMACK: No, that's it.

13 Oh, just to -- just this here to show
14 the credibility of Peoples Energy.

15 JUDGE SAINSOT: Well, Mr. Womack, we will
16 discuss that after we're -- after Mr. Goldstein is
17 done.

18 MR. JOHNNY WOMACK: Okay.

19 MR. GOLDSTEIN: I would just -- I have no
20 further questions of Mr. Riordan.

21 I would just move into evidence
22 Respondent's Exhibits 1-A, 1-B, 2-A, B and C and

1 Exhibit 3.

2 JUDGE SAINSOT: Any objection, Mr. Womack?

3 MR. JOHNNY WOMACK: No. No.

4 JUDGE SAINSOT: Okay. That being the case, your
5 motion is granted and your Respondent's Exhibit 1-A
6 and 1-B, 2-A and 2-B and C are entered into
7 evidence.

8 For the record, 1-A and 1-B are a
9 running tab of Mr. Womack's account for three
10 years. 2-A and 2-B are --

11 MR. GOLDSTEIN: And C.

12 JUDGE SAINSOT: -- what's called charge-off
13 details at the head of the page. And -- oh, no.
14 That's C. I'm a little slow.

15 MR. GOLDSTEIN: That's C.

16 JUDGE SAINSOT: 2-A and 2-B are final notice
17 prior to disconnection to Mr. Womack, and C is the
18 charge-off detail.

19 Okay. You can continue.

20 MR. GOLDSTEIN: I have nothing else of the
21 witness, Judge.

22 JUDGE SAINSOT: Fine. Do you still need

1 Mr. Womack's Exhibit A?

2 MR. GOLDSTEIN: I brought it over to the

3 reporter, Judge.

4 JUDGE SAINSOT: Okay.

5 Are you resting?

6 MR. GOLDSTEIN: I rest.

7 JUDGE SAINSOT: Okay.

8 Mr. Womack, do you have any rebuttal

9 evidence?

10 MR. JOHNNY WOMACK: Only thing that I would like

11 to add is I had talk to several peoples at Peoples

12 Energy. Are you aware that I talked to --

13 JUDGE SAINSOT: Well, Mr. Riordan's no longer on

14 the witness stand.

15 I know it's hard to tell because we

16 don't move around in here, but --

17 MR. JOHNNY WOMACK: I don't know if he's aware

18 that I talked to other peoples. I tried to call in

19 and make arrangement, try to see -- get my account

20 straightened out and they just wouldn't talk.

21 And I want to show you, they promised to

22 turn my gas back on in my apartment when I paid

1 this off. I paid it off and they still wouldn't
2 turn it back on. Then they -- after I paid it off,
3 they told me they had -- they would not turn --
4 they can't turn gas on in the building where the
5 heating gas wasn't turned on. That's what they --
6 that's the statement that they told me.

7 JUDGE SAINSOT: How much did you pay,
8 Mr. Womack?

9 MR. JOHNNY WOMACK: I paid \$182.99.

10 JUDGE SAINSOT: And when was that?

11 MR. JOHNNY WOMACK: I have a receipt in here.
12 Let me see the receipt.

13 JUDGE SAINSOT: Isn't that the -- I'm having a
14 déjà vu here. Isn't that the cooking gas?

15 MR. JOHNNY WOMACK: Yes.

16 MR. GOLDSTEIN: That's correct, Judge.

17 MR. JOHNNY WOMACK: But what I was asking,
18 I'm -- I want to show you their credibility in the
19 way they deal with customers.

20 Okay. Here, it is, 6/1/2006. I paid it
21 at their -- it's one of their stations -- I mean,
22 one of their outlets where they receive -- you can

1 go and pay your gas bill at, 531 East 79th Street.
2 And I was told from Peoples Gas that I could get my
3 cooking gas turned back on. And after I paid that
4 off, they said, Well, I can't turn it on -- turn
5 your cooking gas back on because your heating gas
6 is not, but that wasn't told me. I had to explain
7 to them about both of them. They said, Okay then.
8 What you do? It was a black fellow.

9 I remember when I talked to him and I
10 had all of that. I lost all that information I
11 had. I talked to him -- I talked to several
12 peoples down there. And each time, they would give
13 me a different amount what it owed -- what was
14 owed -- what was showing on that bill, what it just
15 showed in the transcript.

16 JUDGE SAINSOT: Anything else, Mr. Womack?

17 MR. JOHNNY WOMACK: No, that's it.

18 MR. GOLDSTEIN: I have no questions, no
19 cross-examination on Mr. Womack's rebuttal, Judge.

20 JUDGE SAINSOT: Okay. So, Mr. Womack, you're
21 resting, right?

22 MR. JOHNNY WOMACK: Yes.

1 JUDGE SAINSOT: You're resting as well?

2 MR. GOLDSTEIN: Yes, I am, Judge.

3 JUDGE SAINSOT: Okay. The record will be marked

4 heard and taken.

5 Thank you.

6 MR. GOLDSTEIN: Thank you.

7 JUDGE SAINSOT: I will issue an order, usually,

8 in about three or four weeks, Mr. Womack.

9 If you disagree with that order, you

10 will have a chance to file a brief on exceptions

11 telling me or and then the Commission why I'm

12 wrong. There will be a briefing date in that

13 order, and the reason --

14 MR. JOHNNY WOMACK: Pardon me. Say that one --

15 say it again. I couldn't hear you.

16 JUDGE SAINSOT: When I issue the order, there

17 will be -- at the bottom of the order, there will

18 be a date for parties to file briefs on exceptions,

19 and that means if you disagree with the order, you

20 can file a brief on exceptions saying why you

21 disagree with the order.

22 And the reason I'm telling you this,

1 Mr. Womack, is not because I think that you will
2 not prevail, but because Mr. Goldstein is an
3 attorney and he's well-seasoned with this
4 procedure. So don't take that as anything further
5 than my telling you it's procedure.

6 MR. GOLDSTEIN: Judge, are we going to be able
7 to get copies of the canceled checks that have been
8 marked as --

9 JUDGE SAINSOT: Oh, good point.

10 MR. GOLDSTEIN: -- Complainant's Exhibit B as
11 well as a copy of --

12 JUDGE SAINSOT: A and B.

13 MR. GOLDSTEIN: -- A and B.

14 JUDGE SAINSOT: Do you want me to separate these
15 when I Xerox them or is it -- is a Xerox like this
16 okay?

17 MR. GOLDSTEIN: That's fine.

18 JUDGE SAINSOT: Okay. Mr. Womack, why don't you
19 wait two seconds. I'm going to make a copy for
20 both of you.

21 (Recess taken.)

22 JUDGE SAINSOT: There you go.

1 This is all the evidence that you
2 submitted, Mr. Womack.

3 MR. GOLDSTEIN: Thank you.

4 JUDGE SAINSOT: And this is a duplicate.

5 Okay. I think we're all ready. I said
6 the record will be marked heard and taken.

7 Thanks, everybody.

8 MR. GOLDSTEIN: Thank you, Judge.

9 HEARD AND TAKEN. . . .

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